

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.68 OF THE MONTEREY COUNTY CODE RELATING TO
EMERGENCY PROCEDURES AND ORGANIZATION**

County Counsel Summary

This ordinance amends Chapter 2.68 of the Monterey County Code related to County procedures and organization for the protection of persons and property under Monterey County jurisdiction in the event of an emergency. Existing County regulations define the membership of a Disaster Council, which is empowered to consider and recommend for adoption by the Board of Supervisors, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. This ordinance updates the membership of the Council. This ordinance also establishes the "Monterey County Operational Area Emergency Advisory Committee" consisting of emergency managers and other subject matter experts within the County to advise the Disaster Council on countywide emergency management issues and make recommendations thereon. This ordinance also clarifies the authority of the Director of Emergency Services to approve and coordinate mutual aid requests made within the County.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 2.68 of the Monterey County Code is hereby amended to read as follows:

Chapter 2.68 - EMERGENCY PROCEDURES AND ORGANIZATION

2.68.010 - Purposes.

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property under County jurisdiction in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of County government with all other public agencies, corporations, organizations, and affected private persons.

(Ord. 2355 § 1, 1977)

2.68.020 - Definitions.

As used in this Chapter the following definitions shall apply:

"Local emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions

resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County, requiring the combined forces of other political subdivisions to combat.

"Emergency management" shall mean the development of a comprehensive process involving the mitigation of, preparation for, response to, and recovery from potential natural, technological and human conflict hazards. The process shall include associated emergency planning interagency coordination, public information and education, training, resource management, and incident management efforts.

"Director" shall mean the County Administrative Officer, who serves as ex-officio Director of Emergency Services, who is tasked with the overall management, coordination, and control of emergency preparedness and response functions for the County of Monterey. The Director shall serve in the capacity of Operational Area Coordinator, as defined by the State Emergency Plan, to include County government, all cities, special districts and political subdivisions within the physical parameters encompassing the County of Monterey.

"Emergency Operations Plans" shall mean those official and approved documents, including the County Emergency Operations Plan and its annexes, which describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as structure and function of the emergency management organization, continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, public information, and mitigation and recovery procedures.

"County agency" shall mean any department, division, office, section, branch, or independent establishment under the control of the Board of Supervisors, or the executive branch of County government.

"Operational area" shall mean the County of Monterey and all political subdivisions within the county area.

(Ord. 3471, 1990; Ord. 2355 § 2, 1977)

2.68.030 - Disaster Council membership.

The Monterey County Disaster Council is hereby created and shall consist of the following representative membership:

- A. The County Administrative Officer;
- B. The Deputy Director of Emergency Services;
- C. The County Sheriff-Coroner;
- D. The County Health Officer;
- E. The County Director of Public Works, Facilities and Parks;
- F. The County Director of Social Services;
- G. The General Manager of the Monterey County Water Resources Agency;

H. The Unit Chief for San Benito-Monterey, California Department of Forestry and Fire Protection (CAL FIRE);

I. The officer in charge of the California Highway Patrol in Monterey County;

J. A representative from the Monterey County Operational Area Emergency Management Advisory Committee.

(Ord. 3471, 1990, Ord. 2355 § 3, 1977)

2.68.040 - Disaster Council powers and duties.

It shall be the duty of the Monterey County Disaster Council, and it is hereby empowered, to consider and recommend for adoption by the Board of Supervisors, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Director or, in his or her absence from the County or inability to call such a meeting, upon call of the Deputy Director of Emergency Services. The Disaster Council shall meet not less frequently than annually and shall prescribe its own rules of procedure.

(Ord. 3471, 1990; Ord. 2355 § 4, 1977)

2.68.050 - Director/Deputy Director of Emergency Services.

A. There is hereby created the office of Director of Emergency Services. The County Administrative Officer shall be ex-officio Director of Emergency Services.

B. There is hereby created the position of Deputy Director of Emergency Services. The Deputy Director, under the authority of the Director, shall have the responsibility of managing the day to day administrative and operational activities associated with the management of the County Emergency Management Program as defined within this Chapter or as stipulated by the Director.

(Ord. 3471, 1990; Ord. 2355 § 5, 1977)

2.68.060 - Powers and duties of the Director of Emergency Services.

A. The Director is hereby empowered to:

1. Request the Board of Supervisors to proclaim the existence or threatened existence of a "local emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the Board of Supervisors shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

2. Request the Governor, or recommend that the Chairperson of the Board of Supervisors request the Governor, to proclaim a "State of Emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the

emergency. Whenever the Director makes such a request, it shall be confirmed by the Board of Supervisors at the earliest practicable time;

3. Control and direct the effort of the emergency organization of this County for the accomplishment of the purposes of this Chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this County; and resolve questions of authority and responsibility that may arise between them;

5. Approve emergency management mutual aid requests; and coordinate approved requests with the State of California and other appropriate entities and agencies;

6. Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein. Such day to day dealings of a non-emergency nature may be delegated as appropriate.

7. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "State of Emergency" by the Governor or the Director of the Governor's Office of Emergency Services (Cal OES), or the existence of a "State of War Emergency," the Director is hereby empowered:

a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest possible practicable time by the Board of Supervisors;

b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;

c. To require emergency services of any County officer or employee and, in the event of the proclamation of a "State of Emergency" in the County or the existence of a "State of War Emergency," to command the aid of as many citizens of this County as deemed necessary in the execution of emergency duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered Disaster Service Workers;

d. To appoint additional emergency service managers as needed, in addition to those established by the County Emergency Plan, and to delegate to those members of the emergency management organization such duties and responsibilities as the Director may deem necessary;

e. To requisition necessary personnel or material of any County department or agency; and

f. To execute all of his or her ordinary powers as Administrative Officer, all of the special powers conferred upon that position by this Chapter or by resolution or emergency operations plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him or her by any statute, by any

agreement approved by the Board of Supervisors, and by any other lawful authority.

B. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings or otherwise perform the duties of that office during an emergency.

(Ord. 3471, 1990; Ord. 2355 § 6, 1977)

2.68.070 – Monterey County Operational Area Emergency Management Advisory Committee.

A. There is hereby created and established an advisory committee to be known as the Monterey County Operational Area Emergency Management Advisory Committee.

B. The Monterey County Operational Area Emergency Management Advisory Committee shall consist of the following members:

1. Emergency managers from the incorporated cities, special districts, and educational institutions within Monterey County;
2. Emergency managers from the key utilities operating within Monterey County;
3. County staff positions as identified by the Deputy Director of Emergency Services;
4. Members of the Office of Emergency Services; and
5. Others as identified by the Deputy Director of Emergency Services;

C. The Deputy Director of Emergency Services shall act as chair of the Committee.

2.68.080 – Monterey County Operational Area Emergency Management Advisory Committee powers, duties, and meetings.

A. It shall be the duty of the Monterey County Operational Area Emergency Management Advisory Committee to discuss and consider countywide emergency operations plans, procedures, and issues to make recommendations thereon to the Disaster Council through the Office of Emergency Services.

B. The Monterey County Operational Area Emergency Management Advisory Committee shall meet quarterly at such dates and times as are fixed by the Deputy Director of Emergency Services or otherwise as directed by the Director or Deputy Director of Emergency Services.

2.68.090 - Emergency Organization.

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.68.060 of this Chapter, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the Emergency Organization of the County of Monterey.

(Ord. 3471, 1990; Ord. 2355 § 7, 1977)

2.68.100 - Emergency Operations Plan.

The Director of Emergency Services shall be responsible for the development of the County of Monterey Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, service chiefs, and staff of the emergency organization. Such plan shall be submitted to the Disaster Council for review and comment and shall take effect upon adoption by resolution of the Board of Supervisors.

(Ord. 3471, 1990, Ord. 2355 § 8, 1977)

2.68.110 - Office of Emergency Services.

An Office of Emergency Services is hereby established to coordinate all emergency preparedness, response and recovery functions and responsibilities as necessary to carry out the intent of this Chapter.

A. The Office of Emergency Services shall be headed by the Deputy Director of Emergency Services who shall have the responsibility of the day to day administrative and operational functioning of the office.

B. Responsibilities and duties of the Deputy Director of Emergency Services shall include but not be limited to:

1. To develop a comprehensive County Emergency Operations Plan and supporting emergency plans;
2. To develop a viable emergency public information and warning program;
3. To conduct an ongoing analysis of risk hazards within the County and to develop recommendations for mitigation of identified hazards;
4. To establish and coordinate employee preparedness and emergency training activities for all County personnel, staff and officers;
5. To maintain current listings of emergency resources, supplies, equipment, and materials necessary to support emergency response and recovery activities within the County;

6. To conduct ongoing public emergency preparedness and education campaigns and programs to include all areas of the County;

7. To establish the designated County Emergency Operations Center (EOC) in an acceptable state of readiness;

8. To establish and maintain liaison with all County departments and agencies; all cities located within the County; the Governor's Office of Emergency Services; appropriate Federal agencies; and to coordinate effective communications between all agencies regarding emergency matters;

9. To document all County actions and responses during an emergency and to prepare supporting documents detailing such actions;

10. To coordinate and conduct all day to day emergency management functions and activities as deemed appropriate by the Director of Emergency Services;

11. To provide appropriate advice and support to the Director of Emergency Services during any local emergency, state of emergency, or state of war emergency impacting Monterey County;

12. To perform in the capacity of acting Director of Emergency Services when the Director is unable or otherwise incapable of performing the duties of that office as provided for within this Chapter.

C. The Director of Emergency Services shall have the authority to procure and/or appoint the staff necessary to carry out the functions of the Office of Emergency Services as detailed within this Chapter and as mandated by the Director.

(Ord. 3471, 1990)

2.68.120 - Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants, property, and/or environment of or within the County of Monterey.

(Ord. 3471, 1990; Ord. 2355 § 9, 1977)

2.68.130 - Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000.00), or by imprisonment for a term not to exceed one year, or both, for any person, during a State of War Emergency, State of Emergency, or local emergency to:

A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon them by virtue of this Chapter;

B. Commit any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to

imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;

C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State, this County or any city within this County.

(Ord. 3471, 1990; Ord. 2355 § 10, 1977)

2.68.140 - Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Chapter are declared to be severable.

(Ord. 3471, 1990)

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid

SECTION 3. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wendy Root Askew, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Assistant County Counsel